

THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ALFA CORPORATION, an Alabama)	
corporation,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:06cv962-WKW
)	
ALFA MORTGAGE INC., an Indiana)	
corporation,)	
)	
Defendant.)	

ORDER

On May 19, 2008, the Magistrate Judge filed a Recommendation (Doc. #40) in this case to which no timely objections have been filed. After review of the Recommendation, and after an independent review of the entire record,

It is ORDERED that:

1. The Recommendation (Doc. # 40) is ADOPTED;
2. Plaintiff's Motion for Default Judgment (Doc. # 36) is GRANTED in part, DENIED in part. It is GRANTED as to counts 1, 2, and 3 in the Complaint. It is DENIED as to counts 4 and 5;
3. Default Judgment is to be ENTERED against the Defendant as to counts 1, 2, and 3 of the Complaint;
4. Counts 4 and 5 of the Complaint are DISMISSED without prejudice;
5. Plaintiff is entitled to and is hereby GRANTED a permanent injunction permanently enjoining the Defendant from:
 - (a) using the name or designation "Alfa" in connection with any mortgage,

loan, construction or financial services or related services in the United States;

(b) prosecuting any application to register trademarks containing an “Alfa” name or designation in connection with any mortgage, loan, construction or financial services or related services in the U.S. Patent or Trademark Office or any other United States trademark authority;

(c) using any false designation of origin or false description or representation or any other thing calculated or likely to cause confusion or mistake in the mind of the trade or public or to deceive the trade or public into believing that Defendant’s business and services are in any way associated or affiliated with or related to Plaintiff of Plaintiff’s services as described herein;

(d) filing any public record using the word “Alfa,” and ordering that any such filings or registrations be withdrawn or rescinded;

(e) It is so ORDERED;

6. Defendant is ORDERED to transfer to Plaintiff ownership of the domain www.alfamtg.com and any other domains owned and/or controlled by Defendant which contain the word “Alfa;”

7. Defendant is ORDERED to deliver to Plaintiff for destruction or other disposition, within thirty (30) days after entry of final judgment, any and all labels, signs, prints, packaging, wrappers, documents and advertising or promotion materials in its possession or within its custody or control that bear any designation in violation of Plaintiff’s rights as decreed herein, together with all plates, molds, matrices, and other means of making the same;

8. Defendant is ORDERED to file with the court and serve on counsel for Plaintiff within thirty (30) days after entry of any injunction issued by the court, a sworn

statement of compliance as provided in 15 U.S.C. § 1116(a);

9. Plaintiff is entitled to attorney fees in the amount of \$23,422.00 pursuant to 15 U.S.C. § 1117, and the same are hereby AWARDED.

Done this 11th day of June, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE